IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8339 of 2005

Between:

C. Vinod Kumar, S/o. Om Prakash,
Cherlapalli, R.R.District.

..... PETITIONER

AND

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1 The Government of the State of A.P., rep. by its

Principal Secretary, Department of Home, Secretariat,

Hyderabad.
2 The Superintendent, Central Prison, Cherlapalli,

R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the action of the 1st respondent in not releasing the petitioner on parole in spite of being fully aware of the petitioner suffering from H.I.V. (Aids) as illegal, arbitrary and violative of Article 21 of the Constitution of India and it is further consequentially prayed that this Hon'ble Court may be pleased to direct the 1st respondent to forthwith release the petitioner on parole for a period of four months to enable himself to b treated by a Specialist Doctor treating Aids.

Counsel for the Petitioner: MR.S.R.SANKU

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

The petitioner was convicted for the offence punishable under Section 304(2) IPC in S.C.No.383 of 1995 dated 23-10-1996 by the I Additional Metropolitan Sessions Judge, Hyderabad and sentenced to under go rigorous imprisonment for seven years. Against the order of the I Additional Metropolitan Sessions Judge, the petitioner preferred appeal in Crl.A.No.884 of 1996 before this court. This Court by order dated 15-4-2002 reduced the sentence to rigorous imprisonment for five years. Since then the petitioner was serving sentence in second respondent's jail.

Now it is submitted that the petitioner is suffering from H.I.V. positive and he is in advanced stage of Aids. He submitted a representation to the Government on 12.4.2004 requesting to release him on parole. It is his grievance that in spite of he submitted his representation in the month of April 2004 the respondents have not considered his case till now.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

It is very unfortunate to notice that though the petitioner has submitted a representation to the Government through jail authorities in the month of April 2004 to release him on parole since he is suffering from H.I.V. positive (Aids), but, the Government has not passed any orders. Under the above circumstances, I deem it appropriate to dispose of the writ petition directing the Government to pass appropriate orders on the representation dated 12-4-2004 submitted by the petitioner, within a period of two weeks from today.

With the above direction, the Writ Petition is disposed of. No costs.

Elipe Dharma Rao, J.

19th April, 2005

Note: C.C. in 2 days

B/o

Js.

To

1 The Principal Secretary, Government of the State of

A.P., Department of Home, Secretariat, Hyderabad.
2 The Superintendent, Central Prison, Cherlapalli,

R.R. District.

3 Two CCs to G.P. for Home, High Court Buildings,

Hyderabad.

4 2 CD copies.